

ADVISORY NEIGHBORHOOD COMMISSION 2F
Minutes of Regular Public Meeting

WEDNESDAY, April 6, 2005, 7:00 PM
Washington Plaza Hotel, 10 Thomas Circle, NW

Present: **Charles Chairman Reed (2F01), Jim Brandon(2F02),
Chris Dyer(2F03), Matt Raymond (2F04), Sandra Biasillo (2F05)
Mike Nelson (2F06)**

Absent: **None**

The Chairman announced that the meeting was held pursuant to notice as required by law; and noted that a quorum was present. he called for a motion of Orders of the Day to provide that where a matter on the agenda is not completed during the time allocated for it on the agenda as approved, all further consideration of the matter would be tabled and taken from the table for further discussion after all other business had been completed for the evening.

Community Forum

Commissioner Announcements: **Chairman Reed** announced: (1) an appeal has been filed with respect to the revocation of the certificate of occupancy WagTime, and invited any interested resident to review the file on the case; (2) notice had been received for a liquor license application by Manchurian Restaurant, which is in **Mike Nelson's** SMD (and Reed referred the matter to Nelson); (3) **Reed** and **Sandra Biasillo** have been named to a Mayor's committee on the redevelopment of the old convention center; (4) various upcoming events as to which the ANC has received notice from the relevant City Agencies. **Matt Raymond** said that there would be a crackdown on prostitution on Saturday night. They are looking for residents who live near the alley by Mr. Wash to help watch that evening. Interested persons are asked to contact **Lt. Michael Smith** or Matt Raymond.

Tim Hillard said that the Studio Theater is in violation of its voluntary agreement by suggesting to patrons that they park on the street because it is free. He said that Studio Theater also may be in violation of the placard notice that must be posted for changes to the liquor license. **Scott Pomeroy** of 14th and U Main Streets said that there would be a free jazz concert on April 29 at the Lincoln Theater.

Ramona Burns the Ward 2 Transportation Coordinator introduced herself to the commissioners and public.

Janet Brown spoke about a proposal for Inclusionary Zoning. She is asking the ANC to pass a resolution supporting the measure that would require and reward developers for putting low income housing into their projects. Affordable housing is not public housing nor subsidized, i.e. Section 8, housing. It is specifically aimed at families who

earn less than \$48,000 a year for a family of four purchase a home. It is meant to help firefighters, policemen, teachers, etc. live in the city where they work. This proposal would require a developer building a 100 unit project to have 15 "affordable" units. In return, the developer would get to add an additional 20 units to the building. This is not a legislative matter, it is a zoning matter, and the council cannot mandate it. This will be discussed in more depth at the April CDC meeting.

PSA Report. By consent, Lt. Smith, who was not present during Community Forum, gave the PSA Report during the course of the business meeting. Smith said that anti-prostitution enforcement has been increased. There were only 3 robberies and 3 burglaries last month, which is a significantly lower crime rate in the PSA.

(the meeting was recessed for five minutes)

Business Meeting

Approval of Agenda

Reed asked that a budget update on the Mayor's budget be added to the agenda. Upon motion of Dyer and second by Biasillo, the agenda was approved as amended.

VOTE: Approved 6-0.

Approval of Minutes

Reed proposed that the minutes be approved with the right of Nelson to review them and make comments at the next meeting, Biasillo seconded. The ANC approved minutes of the ANC meeting of March 2, 2005, as presented.

VOTE: Approved 5-0-1 (Nelson abstained, as he was not at the March meeting.)

NEW BUSINESS

Liquor License Matters

Viridian Restaurant: Reed gave a report on the negotiations with Viridian made by the ad hoc committee previously appointed and with community members, which had agreed on a Voluntary Agreement (VA) and a side agreement permitting direct court enforcement of those terms in the VA which do not affect ABC Board prerogatives. The VA follows existing ANC2F written policy on VAs. LCCA, a party to the VA, approved it on April 5, 2005. The hours of operation are 11 to 1 am on weekdays, and Friday and Saturday 11 am to 1:45 am and Sunday 11am to 10:45pm.

Reed noted that this provision is subject to review, with the parties obligated to negotiate in good faith to reduce or extend the hours depending on experience with disturbances or their absence. The agreement has some unusual provisions and requires open communication between the restaurant and the community. They will subsidize parking for patrons having full meals at the restaurant. **Saied**, a principal in the restaurant, thanked everyone who worked on the agreement. He said he wanted everyone happy and to be a customer. He hopes to open by the summer or fall at the latest. **Lt. Smith** expressed concern about valet parking. Reed said that the owner must provide a copy of the valet parking agreement and make sure that they do not park cars on the streets. **Saied** said that he would rather have a parking lot subsidy. **Tim Hillard** said that the next status ABC Board hearing on the application is May 25 at 10 am. Upon motion of Dyer and second by Raymond, and after further discussion, the following resolution was unanimously adopted:

Whereas, the Commission received notice of the application of P and Q LLC, T/A Viridian for license No. 72135 before the Alcoholic Beverage Control Board for a Class CR license with a protest date of March 22, 2005; and

Whereas, on March 2, 2005 at its duly held public meeting, the Commission by a vote of 4 to 1 approved the application conditioned upon reaching a Voluntary Agreement mutually acceptable to the Commission and the Applicant, and

Whereas, to preserve the status quo in order to reach such an agreement, the Commission gave notice to the ABC Board of its pro forma protest to the application; and

Whereas, Chairman Reed appointed a committee consisting of himself (as the Commissioner for the SMD in which the licensee would operate); **Tim Hillard**, Commissioner **Matt Raymond**, and **Joseph Wnuk** to negotiate the Voluntary Agreement; and

Whereas, Chairman Reed informed the Alcoholic Beverage Control Board that any Commissioner or Tim Hillard was authorized to appear before the Board in connection with this application, and on April 6, 2005, the Commission was represented at the Roll Call of the Board by Tim Hillard; and

Whereas, the parties, together with other interested persons, including a number of residents adjoining the restaurant, and the Logan Circle Community Association have had a series of meetings and engaged in good faith negotiations, culminating in a form of Voluntary Agreement and a Memorandum of Agreement relating thereto, copies of which were

presented to the April 6, 2005 regular meeting of the Commission, and it was, therefore,

RESOLVED, That the Commission deems that the form of Voluntary Agreement and Memorandum of Agreement as presented at the meeting complies with the stated policies of this Commission regarding voluntary agreements on liquor licensing, and further deems these documents to be in the best interests of the Community, and it is,

FURTHER RESOLVED, That all prior actions taken by this Commission and its officers in connection with this application and proceedings before the Alcoholic Beverage Control Board be and are hereby ratified and confirmed; and it is,

FURTHER RESOLVED, That the documents as presented be and are hereby approved, and the Chairman or other appropriate persons designated by him are authorized and instructed to seek acceptance of the Voluntary Agreement by the Alcoholic Beverage Control Board and upon such acceptance to withdraw the currently pending protest; and it is,

FURTHER RESOLVED, That the Chairman be and is hereby authorized and instructed to take such further actions as may be reasonably required to implement this resolution, including making such reasonable, non-material changes in the Voluntary Agreement as may be required by the Alcoholic Beverage Control Board and deemed by the Chairman to be consistent with the intent of the Voluntary Agreement approved by this resolution.

VOTE: Approved 6-0.

Request for Street Closures

George Banker asked for permission for a "rolling closure" of some streets in ANC2F for the 21st annual Army Ten Miler. It will start and end at the Pentagon. They use the Metro Police and 44 course marshals to keep the street closures at a minimum. They also have a trash truck to pick up any trash along the route. Everyone is required to maintain a 15 minute mile. Dyer moved approval of the Army Ten Miler, Reed seconded. After discussion, it was,

RESOLVED, That the ANC hereby approves the applications for street closings sought by Army Ten Miler for a race on October 2, 2005.

VOTE: Approved 6-0.

Raymond moved approval of the Heart Walk race on October 15, 2005. There was no representative from the organization, and a discussion of whether or not the people having the race must make a presentation in person for approval ensued. It was determined that they should be present, but Dyer had spoken with them and knew that they could not attend this meeting today. Dyer seconded the motion. After discussion, it was,

RESOLVED, That the ANC hereby approves the application for street closings sought by **The Heart Walk** for October 15, 2005.

VOTE: Approval 6-0

Redevelopment of old Convention Center site – Hines/Smith Georgetown (Presentation)

HSG was selected by the District for redevelopment of the old convention site. **Howard Riker** of HSG gave an overview of plans. They wanted a site that would be appealing 24/7 to the residents, downtown workers and visitors. There will be 800 units, 2/3 for rent and 1/3 for sale. There will be affordable housing included. There will be a variety of retail, and they are looking for local merchants. There will be a one acre public space that can be used by the City. There is a portion of the site that is being held for future use by the District. Some thoughts on uses are a convention center hotel or the relocation of the Martin Luther King library. The project won't begin construction until 2009 and won't be completed until 2011. Local small disadvantaged business enterprises will be involved in 20% of the project.

Stash Your Cash

Megan Pohorylo is working on a project sponsored by Capital One to educate students on financial matters. They would like to put two "piggy bank" sculptures in ANC2F. Dyer moved that the ANC endorse the placement of the sculptures at Franklin Park and at City Hall. Raymond seconded.

VOTE: Approved 6-0.

CDC Report

CDC Chairman Raymond reported upon the CDC meeting, as follows:

1209 10th Street (concept review). There were several revisions made to the original design. The CDC recommends approval of the design as revised.

1101 New York Avenue (TCP Modification). The CDC debated this matter at length due to the fact that closure of sidewalks on 3 sides of the site is sought. Without the modification, however, the progress would be slowed, and the project would take longer to complete. The CDC recommends approval of the modification.

1316 12th Street (request for demolition of all but the façade of the project). Due to the fact that it appears that the rest of the building could not be saved, and nearby neighbors seemed OK with the plan, the CDC recommends approval.

14th and Corcoran (height, massing and concept only). **Fred Greene**, the developer, sought approval for the height, massing and concept of the new construction. The CDC recommends approval with the proviso that special attention be paid to the glass curtain that is part of the development. This project will be back to the CDC/ANC for further approvals.

Charter School at 1234-1238 9th Street (request for ANC support of project) was presented by the attorneys for the project. Larry Riccio was not present. There were many unanswered questions about the proposed school, including how many students would attend, what portion of the building would be luxury units vs. school space, and the fact that there is no recreation space for students at this school. The entire motion adopted by the CDC for approval by the ANC is as follows:

“The CDC recommends to the ANC that it defer action on the consideration of the concept and massing of this project pending the answers to ancillary issues to the development questions, and that a letter be sent to the HPRB stating the deferral was based on the ANC’s great concerns on these issues.”

1002 N Street (BZA Variance for proposed 3 story addition). The Blagden Alley Association approved and the CDC enthusiastically recommends approval.

Raymond moved approval of the entire CDC agenda recommendations. Dyer seconded. In discussion on the motion, Reed asked **Fred Greene** about whether or not he was building a 4 story parking garage as part of his proposed project at 14th and Corcoran. Greene said that the parking was for the residents only, and will not be 4 stories. **John Grimberg** asked if there was not a part of the motion that required proof that the site would be properly cleaned, as it was formerly the site of a gas station. It was discussed but is not part of the approval of height, massing and concept for HPRB. Greene is supposed to give a copy of the clean up certificate to the CDC/ANC. **Linda Wright** asked if the ANC is deferring voting on the charter school. Raymond read the motion again, which asks the HPRB to defer *approval* but not voting, until more questions are answered. The CDC is not supporting approval of the project and recommends same to the ANC. **Merle Seitz** asked about the liquor license issues regarding the charter school. Reed said that there will be a special meeting on the charter school next Tuesday, and all of this should be addressed at the time. Mike Nelson said that anyone

coming to that meeting should have to send written questions in advance. **Sherri Kimbel** said that would be very difficult as Riccio changes his answers so often, and the questions submitted in advance may not cover all of the myriad of changing issues associated with this project. **Helen Kramer** said that she spoke with **Chris Shaheen** who told her that the charter school board has no say in where a charter school is located. Following discussion, the motion to accept the recommendations of the CDC was passed.

VOTE: Approved 6-0.

Mayor's Budget

Jacqueline Flowers gave an overview of the Mayor's budget. There is a budget surplus. There have been 60,000 new jobs in the last five years. The budget is available for review in depth on line, and Flowers brought copies of the overview she presented for those in attendance at the ANC meeting.

Old Business

Embassy Suites: Public Space request for Sidewalk Cafe

Thomas Carroll presented a request for ANC2F recommendation to DDOT for this public space request. Mr. Carroll said that there are 27' between the café and the street. It seats approximately 70 people. It will be enclosed. Brandon moved to recommend approval of the public space request. Biasillo seconded. Following discussion, it was

RESOLVED, That ANC2F having reviewed the proposal for a sidewalk café to be located on the public space at 1000 K Street NW, and deeming the use to be convenient to the community and not obstructive to pedestrian traffic, finds the proposal to be in the best interests of the community, and, accordingly, recommends to DDOT that the application be approved as submitted.

VOTE: Approved 6-0.

Logan Circle Park Construction Update and Discussion

Reed said that for at least four years, the community through several of its associations and this ANC has sought redesign of Logan Circle. The Circle, which should be a community amenity, is in fact a dangerous, and inhospitable place frequented by drug activities, indigents and criminals. One of the principal objectives by the LCCA and the ANC has been to redesign park benches so that they cannot be used for sleeping and loitering. Throughout this period, the National Park Service has promised benches with arms. Last month, during construction, it was discovered to the chagrin of the community that the benches were of a completely different design than had been agreed. In explanation, the NPS said that it "forgot" to inform the community that its designs for the benches had been overturned by a committee consisting of

representatives of the National Capital Planning Commission, the Fine Arts Commission and the State Historian (of DC). The committee, which has as its mission the preservation of the historical character of the Circle (which is a part of the original L'Enfant plan for DC), did not like the design submitted. The NPS without informing the community installed benches of a design dictated by the aforesaid committee, which has given rise to strong community objection. At the initiative of **Don Smith** a meeting was held with Councilman **Jack Evans, Vicki Keys (NPS)**, Chairmen Reed and Raymond, and **Jennifer Trock (LCCA)**. Ms. Keys indicated she is causing bench arms to be after-fitted to the benches, and will work to get more community acceptable designs. Raymond said that LCCA has a committee working on this issue. There is a rededication ceremony planned for May 22nd.

Upon motion by Raymond, seconded by Reed, and after discussion, the following motion was unanimously (**Vote 6-0**) adopted:

A RESOLUTION with respect to the renovation of Logan Circle Park

WHEREAS, park benches without arms – such as those installed by the National Park Service (“Park Service”) in Logan Circle Park (“the Park”) during its recent renovation without the foreknowledge or concurrence of the community – encourage camping-out overnight,

WHEREAS, this activity – illegal in itself – encourages use of the Park as a public toilet and garbage disposal, as well for drinking of alcohol, drug abuse, and illegal sales of drugs,

WHEREAS, these conditions attract other crimes, including the murder in 2004 of a homeless woman, making the Park a physically unsafe environment for all residents,

WHEREAS, such attendant crimes as aggressive panhandling, prostitution, muggings, armed robberies, and burglaries, radiate out into the surrounding community,

WHEREAS, the benches, as currently configured, form a kind of circular “Maginot Line,” isolating the center of the Park from the rest of the community, and discouraging the community’s use thereof,

WHEREAS, the Park Service must pay federal tax dollars for repeated police calls to the Park, sometimes on a daily basis, plus the costs of extensive cleanups after the subject individuals who habituate the Park,

WHEREAS, experience in other federal parks in the city has shown that benches with arms – especially three arms, including one in the middle, such as those in “The President’s Park,” Lafayette Square – discourage overnight camping, and materially reduce the incidence of drug and alcohol abuse and other crimes,

WHEREAS, many neighborhood residents would prefer the temporary removal of the current armless benches until benches with arms are installed over the alternative of the continued presence of armless benches,

WHEREAS, the removal of the benches, even temporarily, would impact the ability of residents to more fully enjoy the newly renovated Park,

NOW THEREFORE, be it

RESOLVED, That Advisory Neighborhood Commission 2F ("ANC") calls on the Park Service either to retrofit the current benches with arms, numbering three per bench, to include one in the middle of the seating surface, or to install new benches with three arms per bench, to include one in the middle of the seating surface.

BE IT FURTHER RESOLVED, That the ANC request that the Park Service effect the above changes on an urgent and expedited basis, as current conditions in the Park are certain to worsen as the weather improves; and that the ANC request that the Park Service institute a channel of regular communication with the community on these and other issues regarding operation of the Park.

BE IT FURTHER RESOLVED, That if Park Service funds be deemed insufficient for such changes, that the ANC work with entities including but not limited to the Park Service, the Logan Circle Community Association, City Councilmember Jack Evans, the Office of the Mayor, and other private parties to identify alternative public and/or private funding sources; and that the ANC request that changes to the benches be made pursuant to the conditions established heretofore by way of this resolution.

In discussion on the preceding motion, **Frank Mobilio** asked that individual letters be sent to Mrs. Keys as well. Raymond said that he chose to not include the option to take the benches out of the park, at this time, but it could be re-visited. Nelson had asked if the motion could set the length of benches in the park and the distance between the arms. Raymond said that it would get too difficult to get that specific. It was suggested that Eleanor Holmes Norton also be added to the list of entities. **Don Smith**, who lives on Logan Circle, said that benches would not be a panacea for all that is wrong with the Park, but it is certainly a step in the right direction. The goal is to get the NPS and other entities to change their minds. **Mark Weller** of 1209 13th Street asked if developers could donate some funds to this issue, as the keeping the park in good shape is certainly to their advantage. Reed said that it was a good idea and could be explored later. Nelson asked if the lights in the Park were not turned on at night, and why they were not (this turns out not to be the case; lights in the Park are to be turned on at night).

1209 13th Street (Proctor Alley) project update

Ronald Schneck of Hickok Warner Cole updated the project. The update has approval of Steve Callcott. A 3 story atrium is to be included to view the old horse barn. The barn is being restored. The new building is more modern in design. Raymond moved formal approval of the new design and sending a letter stating such to the HPRB. Biasillo seconded. After discussion, it was,

RESOLVED, That ANC2F having considered the proposed 3-story addition to 1209 13th Street, finds that the atrium design relates extremely well to this project, complements the historic character and adds outstanding esthetic design; and it is

FURTHER RESOLVED, That ANC2F recommend enthusiastically that the HPRB approve the requested addition.

VOTE: Approved 6-0.

During discussion on the foregoing resolution, Nelson asked if it had come before the CDC previously. Raymond said that they are being asked to approve the details.

Approval of expenditures

Upon motion by Biasillo and second by Dyer, and after discussion, it was

RESOLVED: That the following expenditures be and are hereby approved:

117.81	Verizon, two month's phone bill
700.98	Sherri Kimbel, March wages
40.00	DC Treasurer, March withholding
37.00	US Postmaster
+/- 872.14	US Treasurer, 1st quarter Federal payroll taxes (with check to be in an amount not to exceed \$900)
47.87	DC DOES, 1st quarter unemployment taxes

VOTE: Approved 6-0.

Adjournment

There being no further business, the meeting was adjourned at 9:45 pm.